

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARL BROWN,

Plaintiff,

-against-

FORMER SUPT. OF GREEN HAVEN THOMAS
GRIFFIN, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/14/2022

19-cv-02296 (NSR)

SUPPLEMENTAL ORDER OF
SERVICE

NELSON S. ROMÁN, United States District Judge:

Plaintiff, currently incarcerated at Great Meadow Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983. By order dated June 20, 2019, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis*. (ECF No. 8.)

On May 18, 2020, the Court issued an Order of Service in which it directed the Clerk of Court to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each of the defendants pursuant to the second amended complaint that listed the service address for all Defendants, except Anthony Annucci, as Green Haven Correctional Facility, 594 Route 216, Stormville, NY, 12582-0010. (ECF No. 25.) On November 9, 2020, service was attempted and unexecuted on C.O. Fonseca as he was no longer present at Green Haven. (ECF No. 56.)

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process. . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)). Although Rule 4(m) of the Federal Rules of

Civil Procedure generally requires that the summons and complaint be served within 90 days of the date the complaint is filed, in its previous Opinion and Order the Court extended the time to serve C.O. Fonseca to May 25, 2022. (ECF No. 129.)

To allow Plaintiff to effect service on C.O. Fonseca through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a USM-285 form for C.O. Fonseca. According to Defendants' letter dated April 13, 2022, the service address for C.O. Fonseca is Queensboro Correctional Facility, 47-04 Van Dam Street, Long Island City, NY 11101-3081. (ECF No. 137.) The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon this defendant.

CONCLUSION

The Clerk of the Court is respectfully directed to complete the USM-285 form with the address for Defendant C.O. Fonseca and deliver all documents necessary to effect service to the U.S. Marshals Service. The Clerk of Court is further directed to mail a copy of this Order to Plaintiff's address as listed on ECF and show proof of such service on the docket.

Dated: April 14, 2022
White Plains, New York



NELSON S. ROMÁN
United States District Judge